



December 2007

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Integrated Waste Management Board (CIWMB)

**WASTE TIRE ENFORCEMENT GRANT PROGRAM
APPLICATION INSTRUCTIONS**

15th Cycle – FISCAL YEAR (FY) 2007/08

The Application Instructions contain Grant Program information, processes and examples.

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Section 1

GRANT PROGRAM OVERVIEW AND GUIDELINES

BACKGROUND

The California Integrated Waste Management Board (CIWMB) offers the Waste Tire Enforcement Grant Program to provide funding to solid waste local enforcement agencies and city and county agencies in California for waste tire enforcement activities per Section 42889(d) of the Public Resources Code (PRC). Further, PRC Section 42872(a) allows for the awarding of Grants to entities involved in activities and applications that result in reduced landfill disposal or stockpiling of waste tires. A fee on new tires sold in California provides funding for the Waste Tire Enforcement Grant Program. Public Resources Code section 42889(d) provides for the funding of costs associated with the enforcement of waste tire laws.

At its May 15, 2007, meeting, the Board adopted the *Five-Year Plan for the Waste Tire Recycling Management Program* (4th Edition Covering Fiscal Years 2007/08 – 2011/12) (Five-Year Plan). The Five-Year Plan allocates \$6.75 million for fiscal year (FY) 2007/08 and each fiscal year through 2011/12, to maintain existing and add additional local enforcement jurisdictions.

AVAILABLE FUNDS

There is \$6.75 million available for FY 2007/08. Also, the maximum Grants available for jurisdictions with population in excess of 900,000 have been increased.

- Jurisdictions with populations equal to or less than 900,000 are eligible to receive up to \$300,000;
- Jurisdictions with populations of 900,001 to 1,999,999 are eligible to receive up to \$450,000; and,
- Jurisdictions with populations of 2,000,000 or more are eligible to receive up to \$600,000.

Award of the FY 2007/08 Waste Tire Enforcement Grant is contingent upon and subject to the availability of funds. The Board reserves the right to fund individual phases of selected proposals, and therefore, may fund an amount less than requested. The Board will award Grants on a non-competitive basis. Applicants meeting the eligibility requirements and willing to participate in the Program will be considered for funding. The Board reserves the right to not award any Grants under this Program.

POTENTIAL BUDGET CUTS IF GRANT IS OVER-SUBSCRIBED

If the Grant Program is over-subscribed (total eligible Grant funding requests exceed \$6.75 million), CIWMB staff will consider a county's population, total number of priority sites, and any known threats to public health and safety and/or the environment to modify Grant funding requests as necessary to bring the total recommended Grant awards within the allocated Grant funding.

CIWMB staff will use the following criteria to assess necessary modifications of an applicant's Grant request. CIWMB staff will initially consider the overall county population to set a potential base Grant award as follows:

Population	Potential Base Grant Award
More than 1 million	\$210,000
500,000 to 1 million	\$130,000
499,999 to 100,000	\$90,000
Less than 100,000	\$70,000

These potential minimum Grant awards are based on minimum amounts that could be given to each county, based on current Grant funds allocated to the Program and current county population figures from the California Department of Finance. These base amounts and any additional funding must also be supported by the total number of priority waste tire sites in the county and additional criteria as described below:

- Total number of tire sites with TPID Numbers (generators, haulers, permitted facilities, excluded, and exempt sites)
- A jurisdiction's need, based on CIWMB field staff's assessment in the following areas:
 - Total number of complaints and referrals
 - Incidences of illegal dumping and number of illegal tire sites identified
 - Enforcement and surveillance activities planned or projected
- An existing Grantee's performance, based on CIWMB staff's assessment in the following areas:
 - Grant funds used and/or unused in the previous Grant cycle
 - Number of inspections conducted in the previous cycle
 - Enforcement and surveillance activities conducted in the previous cycle

ELIGIBLE COSTS

Costs must be incurred during the term of the Grant, which is when you receive formal notification from the CIWMB, referred to as the "Notice to Proceed," indicating that you may incur costs and begin the Grant project through June 30, 2009.

Program Changes and New Program Elements:

- Removal of the 10% cap on administrative overhead costs. Under this Program change, Grantees may charge an approved hourly rate that includes all operating costs and administrative overhead, if an approved cost allocation plan which supports the hourly rate is submitted with the Grant Application.
- Increase the cap for allowable enforcement costs from 50% to 75% of inspection costs.
- Conditional allowance for clean-up of waste tire sites with less than 500 tires per site. The clean-ups must be conducted by the Grantee's department of public works, other public agencies or their contractors. A maximum amount of five thousand dollars (\$5,000) can be requested per site, with the cost per tire capped at ten dollars (\$10) per tire, and with total clean-up cost per jurisdiction not to exceed the greater of \$25,000, or 10% of the Grant awarded, as pre-approved by the Grant Manager.

INELIGIBLE COSTS

Costs incurred prior to the receipt of the Notice to Proceed or after June 30, 2009, are ineligible. All costs to be funded must be directly and clearly related to implementation and operation of the Program funded by this Grant. Costs must be reasonable and cost-effective. Ineligible costs include, but are not limited to, the following:

- Costs currently covered by another CIWMB loan, Grant or contract;
- Purchasing or leasing of land or buildings;
- Overtime costs (except for local government staffing during specially scheduled evening or weekend events that have been pre-approved in writing by the CIWMB Grant Manager, when law or labor contract requires overtime compensation);
- Any costs that are not consistent with local, state, and federal guidelines and regulations;
- Any personnel costs not directly related to salaries and/or benefits;
- Personnel costs incurred while an employee assigned to the Grant project is not working on the Grant (e.g. use of accrued time such as sick leave, vacation, etc.);
- Costs deemed unreasonable or not related to the Grant by the CIWMB Grant Manager; and,
- Costs associated with the clean-up of illegal waste tire piles or the pick-up of waste or used tires, except for those specific sites containing less than 500 tires for which clean-up costs are pre-approved in writing by the CIWMB Grant Manager.

EXISTING GRANTEES

Existing Grantees reapplying for a Waste Tire Enforcement Grant must have satisfactorily performed the duties as identified in their current Grant Agreement Procedures and Requirements and complied with all the Grant Terms and Conditions. The CIWMB will assess Grantee performance through joint field inspections and other performance measures such as:

- Completion of the majority of tasks identified in the work plan/budget;
- Submission of complete and accurate inspection forms;
- Effective and efficient use of approved Grant funds;
- Timely follow-up on complaints and referrals;
- Timely submission of enforcement referrals to the CIWMB and district attorney, if applicable; and,
- Participation in joint training with CIWMB field staff.

APPLICATION REVIEW PROCESS

After the close of the application period, Program staff will review the Grant Applications for accuracy, completeness, and eligibility. Only eligible activities, and accurate and complete Applications, can be awarded funds. A review panel, comprised of Program staff and Financial Assistance Division staff, reviews Application information to determine applicant and Program eligibility and to ensure that budget worksheets reflect eligible activities and costs. Note: Budget restrictions are discussed in Appendix C.

GRANT AWARD PROCESS

Program staff will develop funding recommendations for the California Integrated Waste Management Board's (Board) consideration/approval during its monthly Committee/Board meeting in approximately April 2008. In the event the Board awards only a portion of an applicant's Grant request, CIWMB reserves the right to fund individual phases of selected proposals, and may therefore fund an amount less than requested. Should this occur, Program staff will incorporate additional conditions or changes in the final Grant Agreement. CIWMB reserves the right to not award any Grant funds under this Program.

Section 2

GRANT PROGRAM ADMINISTRATION

AGREEMENT PROCESS

Following the Board's approval of Grant awards, the successful applicants will be mailed a Grant Agreement which includes information about how to administer the Grant. The package includes the following items:

- Grant Agreement Form (CIWMB 110).
- Exhibit A–Terms and Conditions, which contain legal requirements of all Grants.
- Exhibit B–Procedures and Requirements, which contain project, reporting, survey, and audit requirements.
- Exhibit C–Forms, which contain forms to be used throughout the Grant cycle.
- Exhibit D–Work Plan
- Exhibit E–Cost Allocation Plan and Budget Worksheet

The Signature Authority will be required to sign the Grant Agreement Form (CIWMB 110) and return it to the CIWMB within ninety (90) days from the date of mailing by the CIWMB or the Grant award will be null and void. Additionally, Grantees are required to pay all outstanding debts due the CIWMB within 90 days from the Board's award date or the Grant award will be null and void.

REPORTING PROCESS

Grantees are required to submit two reports during the Grant term. The first report is a mid-year progress report for the period June 30, 2008, through December 31, 2008, and is due February 15, 2009. The Final Report must cover the entire Grant period and is due August 15, 2009. The Final Payment Request must also be submitted with the Final Report. Grantees who fail to submit the Final Report and Final Payment Request, with all required supporting documentation, may forfeit the right to reimbursement of otherwise eligible costs and/or cause the Final Report and Final Payment Request to be rejected. Detailed reporting information is included in Exhibit B (Procedures and Requirements) of the Grant Agreement.

Grantees are also required to maintain a database of inspections and inspection results.

PAYMENT PROCESS

Grant funds are paid on a reimbursement basis for costs as approved in the Grant Agreement. All Payment Requests must include an itemization with documentation of claimed expenses (i.e., itemized receipts and proof of payment of invoices). Ten percent (10%) of the amount requested for reimbursement from each Payment Request will be retained until completion of the Grantee's obligations under the Grant Agreement. At the end of the Grant term or upon completion of the Grant project, the ten percent (10%) withheld will be reimbursed after the CIWMB Grant Manager receives and approves the Final Report and Final Payment Request. Detailed payment information is included in Exhibit B (Procedures and Requirements) of the Grant Agreement.

Grant funds are paid for the actual costs directly related to the implementation of the Program. In order to receive payments, Grantees must:

- 1) Complete and return the Grant Agreement form signed by the authorized signatory (as listed in the resolution) within 90 days of the date of mailing of the Agreement package by the CIWMB.
- 2) Complete and return the Grant Payment Request Form signed by the authorized signatory.
- 3) Submit all required reports on time and follow the Procedures and Requirements and Terms and Conditions issued for the Waste Tire Enforcement Grant.

Failure to comply with any of the requirements may result in a jurisdiction not receiving some or all of its Grant funding under this and future Grant cycles.

AUDIT REQUIREMENTS AND WAIVER OF PERSONAL JURISDICTION

All Grantees are required to comply with the following provisions:

1. **Audit/Records Access.** The Grantee agrees that the CIWMB, the Bureau of State Audits, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the Grant term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The Grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.
2. **Waiver of Personal Jurisdiction:** Should CIWMB seek reimbursement of costs paid to a Grantee as a result of an audit finding, the Grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.

Appendix A
RESOLUTION AND LETTER OF AUTHORIZATION (LOA)
INFORMATION AND EXAMPLE

For entities that have a governing authority, the Grant Application package must include a current approved resolution authorizing submittal of an Application to CIWMB. The resolution must identify the position title of the official authorized to execute Applications, Agreements, Amendments, Contracts, requests for payment and all Grant documents necessary to secure Grant funds and implement the approved Grant project. A copy of a current approved resolution should be submitted with the Application, but may be submitted late as long as it is received by the CIWMB by February 29, 2008, or your Application may be disqualified.

For entities without governing bodies, a letter bearing the entity's letterhead, signed by a person with authority to contractually bind that entity to execute an Agreement, must be submitted with the Application. The letter must authorize the Application for Grant funds and designate a signature authority.

RESOLUTION EXAMPLE

Authorizes Application for all CIWMB Grants for Five Years

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Integrated Waste Management Board (CIWMB) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority the CIWMB is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and the CIWMB require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application[s] to the CIWMB; and

WHEREAS, if awarded, the (Name of Applicant) will enter into a Grant Agreement with the CIWMB for implementation of said Grant(s);

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of Grant Applications to the CIWMB for all available Grants for which (Name of Applicant) is eligible for the period of (Insert Time Period: Month, Day, Year through Month, Day, Year); time period not to exceed five years from the date of adoption.

BE IT FURTHER RESOLVED that the (Title of Official), or his/her designee is hereby authorized and empowered to execute in the name of the (Name of Applicant) all Grant-related documents, including but not limited to, Applications, Agreements, Amendments and requests for payment, necessary to secure Grant funds and implement the approved Grant project.

The foregoing resolution was passed by the (Title of Governing Body) on (date).

ATTEST:

X

Signature Authority

Date

Note: This example can be modified for less than 5 years and/or for specific Grants.

RESOLUTION EXAMPLE
Authorizes Application For All Or Designated CIWMB Grants For One Year

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Integrated Waste Management Board (CIWMB) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority the CIWMB is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and the CIWMB require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application(s) to the CIWMB; and

WHEREAS, if awarded a Grant, **(Name of Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of the Grant(s);

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) authorizes the submittal of Grant Application(s) to the CIWMB for all available Grants for which **(Name of Applicant)** is eligible for Fiscal Year 2007/08.

BE IT FURTHER RESOLVED that the (Title of Official), or his/her designee _____, is hereby authorized and empowered to execute in the name of the (Name of Applicant) _____ all Grant-related documents, including, but not limited to, Applications, Agreements, Amendments, and Payment Requests necessary to secure Grant funds and to implement the approved Grant project.

The foregoing resolution was passed by the (Title of Governing Body) on (date).

ATTEST: **(Name and Title of Official Authorized to Sign Resolution)**

Signature:

Printed Name:

Title:

Date:

RESOLUTION EXAMPLE
Authorizes Application for the Waste Tire Enforcement Grant For One Year

The following language is presented for sample purposes only. Please consult with your attorney.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the California Integrated Waste Management Board (CIWMB) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority the CIWMB is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and the CIWMB require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application for the Waste Tire Enforcement Grant to the CIWMB; and

WHEREAS, if awarded a Grant, *(Name of Applicant)* will enter into a Grant Agreement with the CIWMB for implementation of the Waste Tire Enforcement Grant;

NOW, THEREFORE, BE IT RESOLVED that the *(Title of Governing Body)* authorizes the submittal of an Application to the CIWMB for a Waste Tire Enforcement Grant for Fiscal Year 2007/08.

BE IT FURTHER RESOLVED that the *(Title of Official)* or his/her designee, is hereby authorized and empowered to execute in the name of the *(Name of Applicant)* all Grant-related documents, including, but not limited to, Applications, Agreements, Amendments, and Payment Requests necessary to secure Grant funds and to implement the approved Grant project.

The foregoing resolution was passed by the *(Title of Governing Body)* on *(date)*.

ATTEST: **(Name and Title of Official Authorized to Sign Resolution)**

Signature:

Printed Name:

Title:

Date:

LETTER OF AUTHORIZATION (LOA) EXAMPLE

A Letter of Authorization is used when the Applicant's resolution authorizes the Signature Authority to delegate his/her signature authority to another individual.

The following language is presented for example purpose only. Please consult with your attorney.

[Letterhead – Should include Applicant's address]

Date

California Integrated Waste Management Board
Waste Tire Enforcement Grant Program
Financial Assistance Division, 9th Floor
Grants Administration
Post Office Box 4025
Sacramento, CA 95812-4025

To Whom It May Concern:

Pursuant to Resolution _____ Number XXX, dated _____, adopted by the **(Name of Governing Body)** for **(Name of Applicant)**, I am authorized to execute all Grant-related documents necessary to apply for the Waste Tire Enforcement Grant, to secure Grant funds, to implement the approved Grant project and to delegate this authority. Accordingly, I hereby delegate this authority to the following individual: **(Name of delegate)**.

Name & Title
Name of Applicant
Mailing Address
City, State, Zip Code
Telephone Number

Sincerely,

Name **(Signature Authority per Resolution)**
Title

APPENDIX B WORK PLAN GUIDELINES

Task 1 – Inspections, Notice of Violation (NOV) Compliance, and Re-inspections

The core of this Grant Program is the inspection component. The central objective of this task is to achieve compliance through oversight and education to the extent possible, and to refer enforcement actions to the CIWMB and, if deemed appropriate, to the District Attorney. In addition, it is important that Grantees provide accurate information for entry into a statewide database. The work under this task includes, but is not limited to, the following activities:

- Identify, educate, and inspect businesses involved in the collection, transportation, and disposal of waste and used tires to determine compliance with all tire standards, including permit requirements, tire storage standards, and hauler registration and manifest system standards. This task includes conducting:
 - Annual routine inspections of permitted, exempt, excluded or illegal waste tire facilities that accept or store *more than 500 waste tires*, for compliance with waste tire storage standards, disposal standards, and permit standards, including permit terms and conditions.
 - Inspections of *generators and end users* identified in awarded Grant Application for compliance with the manifest regulations.
 - Annual routine inspections of *waste tire hauler operations* for compliance with registration and manifesting requirements.
- Complete CIWMB provided survey and inspection forms to document all inspections.
- At the time of inspection, issue the CIWMB-provided NOV and attached informational sheets when violations are discovered, advising owners/operators of outstanding violation(s), and indicating what the violators must do by date certain (compliance deadline date) to satisfy the law. The compliance deadline date will be noted on the inspection report.
- If a violation is not corrected at the time of re-inspection but a good faith effort has been made, the Grantee may extend the compliance deadline date once. The extension shall be noted on the inspection form at the time of re-inspection.
- Conduct no more than a total of three inspections, including routine and re-inspections, per facility, site or hauler per Grant cycle (one year duration Grant term), unless additional inspections are warranted and pre-approved in writing by the CIWMB Grant Manager.
- Refer violations that are not corrected after one NOV extension or three inspections/re-inspections to the CIWMB for further enforcement actions, including administrative and civil penalty actions.
- Investigate cases referred to the Grantee by the CIWMB within 30 days. Referrals may include public complaints and California Highway Patrol Aerial Surveillance evidence.
- Provide training on the waste tire laws and regulations as requested by the CIWMB, when given a 30-day advance notice.
- Distribute educational brochures and information to tire businesses during the inspection process, when appropriate.
- Maintain a database that provides an inventory of sites and tracks results of inspections using CIWMB standardized documentation, including but not limited to inspection forms and NOVs, to ensure consistency and uniformity throughout the state.

Task 2 - Surveillance, Enforcement, and Case Development

The Grantee's combined surveillance, enforcement and case development costs are **capped at seventy five percent (75%) of the budgeted inspection costs for Task 1**. The objective of the surveillance task is to prevent the illegal transport, storage and disposal of waste tires through an aggressive patrol and surveillance campaign. By providing a local tire surveillance program, the Grantee will further increase industry awareness of waste tire management and identify and decrease the number of unregistered tire haulers. In addition, this time spent in the field will provide opportunities for Grantees to locate illegal tire piles and commence progressive enforcement activities that will result in clean-up of the sites.

A progressive enforcement program is key to achieving a high level of compliance while minimizing staff effort and time. Activities under this task shall be prioritized to give primacy to situations that pose the greatest risk to public health and safety, and the environment. The inspection and compliance of sites that have 500 or more tires should be a priority of the Program. However, sites with fewer than 500 tires may also pose a public nuisance, blight on the community, or a threat to public health and safety and the environment; therefore, this Grant is intended to support the Grantee's authority to deal with these situations through local laws and ordinances.

The Grantee shall have primary responsibility for inspections and issuance of NOVs. The Grantee will develop case files and refer violations that are not corrected at the NOV stage to the CIWMB for further enforcement actions, including administrative and civil penalty actions. Therefore, it is important that the Grantees provide timely notice and work closely with CIWMB enforcement staff during the inspection and NOV process.

The work performed by the Grantees under the surveillance and enforcement task shall include, but not be limited to, the following:

- Location of illegal tire disposal sites and identification of property owners and/or responsible parties.
- Surveillance and documentation of illegal tire disposal or waste tire transport.
- Working with local law enforcement officers to cite illegal tire haulers.
- As directed by CIWMB, and with the assistance of the California Highway Patrol (CHP), investigate aerial surveillance data, establish illegal waste tire hauling checkpoints, and participate in CHP/Local Police checkpoints or stings.
- Formal referral of sites to CIWMB enforcement staff when compliance is not achieved at the NOV stage within specified time frames. Referral should be made within 15-days of the last re-inspection and must include evidence collected, including inspection reports, and photographs.
- Assist CIWMB staff with the investigation of referrals, complaints and violations, legal records searches, and the procurement of inspection warrants.
- Maintenance of enforcement files and records including inspection reports, correspondence, and evidence.
- Joint investigation and enforcement activities approved by the CIWMB, such as working with local District Attorney (DA), attending administrative, court and/or CIWMB hearings, and supporting case development.
- Reporting of all enforcement actions of the jurisdiction on tire-related cases, including any referrals to the DA's Office and any actions taken by the DA's Office on waste tire cases.

Task 3 – Community and Industry Education

The CIWMB finds that most businesses comply with laws and regulations when the reasons for the regulations are clearly explained and the guidelines for compliance are plainly defined. An educational approach to compliance is productive and cost effective and there is no substitute for spending individual time with each business. The Grantee shall make reasonable efforts to perform the following educational activities and others as deemed appropriate:

- Distribute educational outreach materials and general Program information to affected businesses and related governmental agencies.
- Develop industry and agency presentation materials.
- Conduct trainings to educate and foster working relationships with the Waste Tire Industry and other agencies responsible for tire enforcement issues.
- Conduct trainings as requested by the CIWMB, when given a 30-day notice.
- Promote sound waste tire management practices throughout the community.

Task 4 – Grantee Training

The CIWMB will provide waste tire enforcement training to Grantees throughout the Grant period. Upon execution of the Grant Agreement, Grantee staff is required to attend the first available CIWMB Waste Tire Management Conference and the Local Enforcement Agency Training Conference, if waste tire enforcement training is an element. Grantees may be asked to participate in meetings and conferences to share important and unique aspects of their Grant Programs with other agencies, members of the tire industry, and interested parties. All training must be related to tires, illegal dumping, surveillance and enforcement, or pertinent health and safety classes.

Task 5 – Report Writing

Grantees are required to submit two reports during the Grant term. The first report is a mid-year progress report for the period June 30, 2008, through December 31, 2008, and is due to CIWMB no later than February 15, 2009. The Final Report must cover the entire Grant period and must summarize the work performed and accomplishments of the Program. Additionally, the final Payment Request must also be submitted with the Final Report, and both are due to CIWMB no later than August 15, 2009. Grantees who fail to submit the Final Report and Final Payment Request, with all required supporting documentation, may forfeit the right to reimbursement of otherwise eligible costs and/or cause the Final Report and Final Payment Request to be rejected. Detailed reporting information is included in Exhibit B (Procedures and Requirements) of the Grant Agreement.

Grantees are also required to maintain a database of inspections and inspection results.

Task 6 – Equipment, Materials, and Supplies

Grantees need to assess their equipment needs to conduct tire enforcement activities. Prospective Grantees must evaluate their staff's needs on health and safety, surveillance and other equipment necessary to conduct enforcement and surveillance activities. NOTE: The total costs of Tasks 6 and 7 may not exceed 20% of the combined Grant costs for Tasks 1 through 5.

Task 7 – Transportation

Under this Grant, prospective Grantees will be able to purchase vehicles if needed and if approved by CIWMB staff during the Application evaluation process. Please see Appendix C, Task 7, for more information about purchasing vehicles. Additional eligible transportation costs may include vehicle leasing, maintenance, insurance and fuel. The maximum mileage rate that may be charged is \$.485 per mile (which is the State Rate), or the county/city rate, whichever is less. NOTE: Transportation costs may not exceed \$25,000, and the total costs of Tasks 6 and 7 may not exceed 20% of the combined Grant costs for Tasks 1 through 5.

Task 8 – Clean Up of Small Tire Piles (New Program Activity)

This Program will now fund the clean up of waste tire sites with less than 500 tires. The clean up must be conducted by the Grantee's department of public works, other public agencies, or their contractors. A maximum amount of five thousand dollars (\$5,000) can be utilized per site, with the cost per tire capped at ten dollars (\$10) per tire. The total clean up costs per jurisdiction may not exceed the greater of \$25,000 or 10% of the Grant awarded, as pre-approved by the Grant Manager.

The Grantee must use its best judgment in selecting sites for clean up. Where possible, investigation of the source of the waste tire piles should be conducted, and enforcement action considered against those who dumped the waste tires. This funding is intended for clean ups in public and private areas where no responsible party can be determined. This funding is not intended to be used for the clean up of waste tires that have been dumped on private property by the property owner(s) or those associated with the property owner. This funding is also not intended to be used to clean up waste tire piles caused by businesses. Instead, those responsible for the waste tire pile(s) should be directed to utilize CIWMB registered waste and used tire haulers for tire removal and/or appropriate enforcement action should be pursued.

In the case of a proposed private property clean up, if the Grantee determines that the property owner(s) is not responsible for the waste tire site (a sample declaration of non-responsibility by the property owner will be provided), that the waste tire site is an attractive nuisance, and the Grant Manager approves the clean up, then the site is eligible for clean up.

The Grantee must indicate where the waste tires have been cleaned up so that instances of repeated dumping can be tracked, and if discovered, possible surveillance of the property can be conducted.

APPENDIX C

COST ALLOCATION PLAN & BUDGET WORKSHEET GUIDELINES

The Cost Allocation Plan is the method by which administrative overhead costs can be calculated and claimed by Grantees. The following guidelines must be used when including these costs in the Budget Worksheet:

- Administrative overhead costs are expenditures not capable of being assigned or readily itemized to a task, but are considered necessary for the operation of the Grantee and the performance of the Program. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of administrative overhead costs. All administrative overhead costs charged to the Grant must be associated with Grant-related activities.

If you are uncertain whether a given cost is considered an administrative overhead cost by the CIWMB, contact your Grant Manager Amalia Fernandez.

- Direct costs charged directly to the Grant shall not be included in the administrative overhead cost formula.
- Supervision performed by Managers and Supervisors can be included in the administrative overhead cost formula and, therefore, would not be a direct charge to the Grant. On the other hand, if supervision is not included in the administrative cost formula, and if a Manager or Supervisor performs an activity that is directly related to the execution of the Grant, costs associated with this activity may be included as a direct charge to the appropriate task.
- The Grantees must maintain organized and accurate records that follow Generally Accepted Accounting Principles (GAAP) and leave an audit trail. The Grantee must provide access to all documents related to the Grant Program and fiscal operation of the Grant Program as deemed necessary by the CIWMB.
- The Grantees must submit with the Budget Worksheet a copy of their approved Cost Allocation Plan which specifically documents how the cost amount was established. The Grantees must maintain formal accounting records which support and substantiate the charges. The Cost Allocation Plan must be approved by an appropriate Supervisor/Manager in your agency. The Cost Allocation Plan must identify Program elements included in the overhead/indirect cost calculation. See the example “Cost Allocation Plan” calculation listed below:

Total department indirect cost *divided by* total department direct cost base equals the overhead/indirect cost rate.

- If the Grantees utilize a contractor to administer and/or implement the Grant, then the overhead and indirect costs of such contractor may be charged to the Grant only to the extent that such costs could have been charged by the Grantee.

Cost Allocation Plan Example:

	Actual Expenditures
Direct Costs Grant A - CIWMB	\$50,000
Direct Costs Grant B - CIWMB	\$25,000
Direct Costs Grant C – Non-CIWMB	\$10,000
Administrative Overhead Costs - Organization wide	\$15,000
Total	\$100,000

Cost Allocation Plan Calculation Example:

Indirect Costs Total	/	Direct Costs Total	=	Administrative Overhead Rate
\$15,000	/	\$85,000	=	17.65%

The Budget Worksheet must estimate the cost for each Task as described in the Work Plan. Please use the electronic Budget Worksheet (Excel Spreadsheet) provided on the web at <http://www.ciwmb.ca.gov/Tires/Grants/Enforcement> to itemize your tasks and calculate your costs, including the cost of personnel, materials, supplies and miscellaneous costs required for the Program. The completed budget must be mailed in along with your Application and required accompanying documentation. In addition, please send an electronic copy of the completed Budget Worksheet to Amalia Fernandez at afernand@ciwmb.ca.gov.

The Board recently adopted a change in policy to increase the level of funding for jurisdictions with populations greater than 900,000. Under this new standard, jurisdictions with populations greater than 900,000 may be eligible for up to \$600,000, instead of the maximum of \$300,000 per jurisdiction awarded in the past.

The Board additionally implemented changes in policy that allows for Grantees to calculate and receive reimbursement for administrative overhead expenses. In previous years, administrative overhead costs were capped at 10% of eligible direct costs. Now, Grantees have two options for calculating administrative costs. Please note that under either option, you must submit a cost allocation plan with your Application showing how administrative costs are distributed and accounted for in your proposed hourly personnel rate charge. (Note: there is no longer an option for breaking out administration as a separate line item expense.) Failure to submit a cost allocation plan will be grounds for rejection of the Application package. The following are the **two options** recently implemented by Board action:

1. Allow a Grantee to charge the Board the same flat hourly personnel inspection rate approved by its Board of Supervisors or City Council as that charged the public in fees. The flat inspection rate would include all costs, including administrative overhead (supervision, building costs, support staff, etc.); **or**,
2. Allow a Grantee to charge an hourly personnel rate with this rate to include salary plus benefits, such as retirement, medical, sick leave, etc., and administrative overhead at the Grantee's overhead rate, rather than the CIWMB's standard Grant rate of ten percent (10%).

NOTE: The hourly personnel rate, including administrative overhead, should not include the direct cost of equipment, materials, supplies, transportation and vehicles used for the Program. The direct charge of for those items should be identified as separate budget line items in Tasks 6 and 7 on the Budget Worksheet.

Personnel costs include salaries, wages, and benefits for personnel who are employed by or under contract with the Grantee and will work directly on the project. Guidelines for estimating personnel costs are contained in the following directions for each task.

Task 1- Inspections, NOVs Compliance, and Re-inspections

Estimate the time and costs for waste tire facility inspections and generator site inventories based on a minimum of 1 inspection/re-inspection per site per year. The Grantee must submit a cost allocation plan with the Application package to justify its hourly rate. The inspection frequency is one routine inspection per site per year, and up to a maximum four hours per inspection for sites found in compliance. Calculate costs based on a maximum of 4 hours per inspection/site inventory, which includes travel time, inspection, inspection report preparation, and initial compliance activities. Up to two additional re-inspections will be allowed to ensure compliance. A line item of ten percent (10%) of facility inspections is automatically added to your budget for required follow-up on potential referrals/complaints and for conducting any necessary pre-permit inspections. Supervision of staff conducting inspections constitutes a direct Program cost; therefore, you may charge direct supervision costs related to the Grant, as long as the supervision costs have not been included in the administrative overhead formula.

Task 2 - Surveillance, Enforcement, and Case Development

Estimate time and costs for surveillance or time in the field patrolling for illegal tire disposal and hauler activities. Estimate time and costs for surveillance and enforcement activities beyond what is encompassed in the above inspection category. These activities may include, but are not limited to: field investigations and follow-up on complaints and referrals; issuing NOVs; participating in CHP/local police checkpoints and stings; attendance at local task force meetings; research for site ownership/access; obtaining necessary warrants; time spent applying for clean-up Grants and monitoring of remediation activities; developing cases and making enforcement referrals to the CIWMB; and other related activities.

Surveillance, enforcement and case development costs may not exceed a maximum of seventy five percent (75%) of staff inspection time above in Task 1 unless adequate justification is provided to the CIWMB, including prior year's work under this task and the public health and safety or environmental need. The CIWMB will review the justification to reach a decision that will be reflected in the Grant Agreement. Supervision of staff performing this task constitutes a direct Program cost; therefore, you may charge direct supervision costs related to the Grant, as long as the supervision costs have not been included in the administrative overhead formula.

Task 3 - Community and Industry Education

Estimate the time spent on community and industry education and outreach related to waste tire enforcement issues. Also, calculate the funding for media material that may be utilized as part of the educational task.

Task 4 – Grantee Training

Estimate the time and costs for staff training. The CIWMB conducts up to three Round Tables per year, up to four Tire Grantee Trainings, one annual 3-day LEA Training Conference and up to 3 days of additional field training. Grantees will be required to send at least one staff member and no more than five staff members to attend applicable tire training classes at these events. Also, estimate any other training to enhance your waste tire enforcement program.

Task 5 – Report Writing

Estimate the time and costs for preparing and submitting the mid-year and Final Report, and for maintaining a database of inspections and inspection results. See Task 5 in Appendix B for more details about reporting.

Task 6 - Equipment, Materials, and Supplies

Itemize the costs of purchasing and/or leasing field equipment, computers/service & accessories, health and safety gear, and other materials/supplies required for the Waste Tire Enforcement Grant Program. For equipment purchases, itemize the quantity and purchase price and provide estimates whenever possible. Some examples of appropriate field inspection equipment include, but are not limited to, Global Positioning System (GPS) Receiver, measuring device such as a hip chain or tape measurer, clinometer, camera, clipboard, binoculars, calculator, etc.

Task 7 - Transportation

Transportation costs including vehicle purchase, leasing, maintenance, insurance and fuel shall not exceed \$25,000. The maximum mileage rate that may be charged is \$.485/mile (State Rate), or the county/city rate, whichever is less. Equipment, materials/supplies, and transportation costs shall not exceed twenty percent (20%) of the combined Grant costs for Task 1 – Task 5.

Purchase of Vehicles

The State of California has implemented a Vehicle Purchase and Lease policy for vehicles purchased by state agencies. The policy is contained in the Management Memo Number MM06-03 and can be found at http://www.documents.dgs.ca.gov/osp/sam/memos/mm06_03.pdf . If you are planning on purchasing a vehicle using Waste Tire Enforcement Grant money, the CIWMB **strongly encourages** you to follow these guidelines. You may find the state program highly beneficial as the vehicles purchased may be of a lesser cost than if purchased through other channels. In addition, as these vehicles run either with alternative fuel or under strict emission guidelines, this contributes towards the protection of the environment. If you are interested in purchasing a vehicle through the State of California's Department of General Services, contact the Office of Procurement at: <http://www.pd.dgs.ca.gov/contracts/vehicles.htm> . The Department of General Services charges a service charge of 1% of the vehicle cost.

The policy can be broken down into three areas:

- Alternative Fuel Vehicles - 75% of the state's light duty vehicles purchases must be powered by alternative fuel. To view a listing of all alternative fuel vehicles available through the Department of General Services, refer to: <http://www.pd.dgs.ca.gov/contracts/vehicles.htm>. To locate a fueling station for your alternative fuel vehicle, visit the following: <http://www.cleancarmaps.com/home>.
- Gasoline and Hybrid-Electric-Powered Vehicles – requires that all gasoline powered light-duty sedans purchased or leased by state agencies be at a minimum certified to operate under the LEV-II ultra low emission vehicle standards. Light duty pick ups, sedans, and sport utility vehicles must be at a minimum certified under the LEV-I ultra low emission vehicle standards or equivalent (this category includes hybrid vehicles). To view a listing of vehicles meeting the requirements of gasoline and hybrid-electric-powered vehicles visit <http://www.arb.ca.gov/msprog/ccvl/ccvl.htm> .
- Sport Utility Vehicles or Four-Wheel Drive Trucks – Requires that any state agency that wants to purchase a sport utility vehicle or a four-wheel drive truck to first obtain authorization. If you are interested in purchasing a sport utility vehicle or a four-wheel drive truck, you would need to first justify the need for these types of vehicles.

Again, we strongly encourage you to follow these guidelines if you are planning on purchasing a vehicle. Remember that by enrolling in this program, you may be able to purchase a vehicle at a lesser cost and at the same time you are contributing to the protection of the environment.

Also, please note that by executing the Grant Agreement, the Grantee agrees to execute all necessary documents to provide the CIWMB with a purchase money security interest in any vehicles purchased, in whole or in part, with the Grant funds.

Task 8 – Clean Up of Small Tire Piles (New Program Activity)

This Program will now fund the clean up of waste tire sites with less than 500 tires. The clean up must be conducted by the Grantee's department of public works, other public agencies, or their contractors. A maximum amount of five thousand dollars (\$5,000) can be utilized per site, with the cost per tire capped at ten dollars (\$10) per tire. The total clean up costs per jurisdiction may not exceed the greater of \$25,000 or 10% of the Grant awarded, as pre-approved by the Grant manager.

The Grantee must use its best judgment in selecting sites for clean up. Where possible, investigation of the source of the waste tire piles should be conducted, and enforcement action considered against those who dumped the waste tires. This funding is intended for clean ups in public and private areas where no responsible party can be determined. This funding is not intended to be used for the clean up of waste tires that have been dumped on private property by the property owner(s) or those associated with the property owner. This funding is also not intended to be used to clean up waste tire piles caused by businesses. Instead, those responsible for the waste tire pile(s) should be directed to utilize CIWMB registered waste and used tire haulers for tire removal and/or appropriate enforcement action should be pursued.

In the case of a proposed private property clean up, if the Grantee determines that the property owner(s) is not responsible for the waste tire site (a sample declaration of non-responsibility by the property owner will be provided), that the waste tire site is an attractive nuisance, and the Grant Manager approves of the clean up, then the site is eligible for clean up.

The Grantee must indicate where the waste tires have been cleaned up so that instances of repeated dumping can be tracked, and if discovered, possible surveillance of the property can be conducted.

APPENDIX D

LEAD APPLICANT / PARTICIPATING JURISDICTION INFORMATION

Regional programs have one lead jurisdiction and at least one participating jurisdiction. In addition to the resolution for the lead applicant, Applications must also include ONE of the following authorization documents for each participating jurisdiction. (The inclusion of the participants' names in the lead applicant's resolution does not take the place of the authorization document.)

1. A resolution from each participating jurisdiction authorizing the lead applicant to act on its behalf as both Applicant and Grant Administrator (entity that implements the Grant Program); OR,
2. An authorization letter from the County Administrator/City Manager from each participating jurisdiction stating that the jurisdiction wants to participate in the regional program and authorizing the lead applicant to act on its behalf as both Applicant and Grant Administrator; OR,
3. A copy of a Memorandum of Understanding specifically for this Grant from each participating jurisdiction authorizing the lead applicant to act on behalf of the jurisdiction both as Applicant and Grant Administrator.

The following language is presented for sample purposes only. Please consult with your attorney.

EXAMPLE RESOLUTION – Lead Applicant of a Regional Program

WHEREAS, funds are allocated and available from the California Integrated Waste Management Board (CIWMB) for Grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities at waste tire facilities; and

WHEREAS, the CIWMB has been delegated the responsibility for the administration of the Program within the State of California (State); and

WHEREAS, in furtherance of this authority the CIWMB is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and the CIWMB require each Applicant's governing body to certify by resolution its approval of the submittal of Grant Application to the CIWMB; and

WHEREAS, if awarded a Grant, the Applicant for itself and on behalf of the following participating jurisdictions will enter into an Agreement with the CIWMB for implementation of a regional waste tire enforcement program;

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a regional application on behalf of **(Participating Cities or Counties)** to the California Integrated Waste Management Board for the Waste Tire Enforcement Grant, Fiscal Year 2007/08.

BE IT FURTHER RESOLVED that the **(Title of Official)**, or its designee, is hereby authorized and empowered to execute in the name of the participating jurisdictions all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

If the lead applicant does not want to list participants' names in the resolution, the resolution could read:

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of a regional application on behalf of the participating jurisdictions (as shown by the attached authorizing letters) to the California Integrated Waste Management Board for the Waste Tire Enforcement Grant, Fiscal Year 2007/08.

The following language is presented for sample purposes only. Please consult with your attorney.

EXAMPLE RESOLUTION – Participant in a Regional Program

WHEREAS, funds are allocated and available from the California Integrated Waste Management Board (CIWMB) for Grants to solid waste Local Enforcement Agencies (LEA) and cities and counties with regulatory authority within the city and county government to perform enforcement/compliance and surveillance activities of entities and/or individuals involved with the waste tire industry; and

WHEREAS, the CIWMB has been delegated the responsibility for the administration of the Program within the State of California; and

WHEREAS, in furtherance of this authority the CIWMB is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and the CIWMB require each Applicant's governing body to certify by resolution its approval of the submittal of Grant Application to the CIWMB; and

WHEREAS, **(Name of Lead Jurisdiction)** has agreed to act as lead jurisdiction on behalf of **(Name of Participating Jurisdiction)**;

NOW, THEREFORE, BE IT RESOLVED that the **(Name of Participating Jurisdiction)** authorizes the **(Name of Lead Jurisdiction)** to submit to the California Integrated Waste Management Board a regional application for the Waste Tire Enforcement Grant, Fiscal Year 2007/08 on its behalf.

BE IT FURTHER RESOLVED that the **(Name of Lead Jurisdiction)** is hereby authorized and empowered to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

This sample is provided for sample purposes only. Please consult with your attorney.

**SAMPLE LETTER OF AUTHORIZATION FOR
PARTICIPATING JURISDICTIONS IN A REGIONAL GRANT APPLICATION**

LETTERHEAD

DATE

Dear CIWMB:

The (Name of Participating Jurisdiction) authorizes (Name of Lead Jurisdiction) to submit to the California Integrated Waste Management Board a regional application for the Waste Tire Enforcement Grant, Fiscal Year 2007/08 on its behalf. The (Name of Lead Jurisdiction) is hereby authorized and empowered to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposes specified in the Grant Application.

Sincerely,

City Manager/County Administrator